

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO. 0:15-cv-02286-DSD-JJK**

Steven L. Wirtz,

Plaintiff,

v.

JPMorgan Chase Bank, N.A. and
Specialized Loan Servicing, LLC,

Defendants.

**AFFIDAVIT OF
DANIEL M. EATON
IN SUPPORT OF
PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Daniel M. Eaton, hereby attest to the following as true:

1. I am an associate attorney at Christensen Law Office PLLC. I represent the Plaintiff Steven L. Wirtz in the above-captioned case.
2. Attached hereto as Exhibit A is a true and correct copy of Steven Wirtz's mortgage to ABM Amro Mortgage Group, Inc.
3. Attached hereto as Exhibit B is a true and correct copy of Steven Wirtz's promissory note to ABM Amro Mortgage Group, Inc.
4. Attached hereto as Exhibit C is a true and correct copy of the Chapter 13 Standing Trustee's Final Report and Account for Steven Wirtz's bankruptcy case. Page 2 of the

report lists JPMorgan Chase Bank, N.A. as a Scheduled Creditor and shows it was paid the full scheduled claim amount of \$2923.16.

5. Attached hereto as Exhibit D is a true and correct copy of the discharge order from Steven Wirtz's Chapter 13 bankruptcy case.

6. Attached hereto as Exhibit E is a true and correct copy of the transcript for the 30(b)(6) Deposition of Specialized Loan Servicing, LLC, by Loretta Poch ("SLS Dep.").

7. Attached hereto as Exhibit F is a true and correct copy of an audio file produced in connection with this lawsuit originally bearing the file name '1007651495_2013_18_105146559_1_29' which is a conversation between Wirtz and an SLS representative identifying himself as Bobby believed to have occurred in early July, 2013.

8. Attached hereto as Exhibit G is a true and correct copy of an audio file produced in connection with this lawsuit originally bearing the file name '1007651495_2013_16_106004370_1_29' which is a conversation between Wirtz and an SLS representative identifying himself as Steven believed to have occurred in mid July, 2013.

9. Attached hereto as Exhibit H is a true and correct copy of an audio file produced in connection with this lawsuit originally bearing the file name '1007651495_2013_13_106073382_1_29' which is a conversation between Wirtz and an SLS representative identifying herself as Marissa believed to have occurred July 23, 2013.

10. Attached hereto as Exhibit I is a true and correct copy of document SLS000335-SLS000341 produced by SLS in connection with this lawsuit. This is a letter from SLS to Wirtz's counsel which provides as follows: "Funds in the amount of \$2240.00 were received on August 5, 2013 and applied to the April, May, and June 2013 monthly payment." and "Funds in the amount of \$746.67 were received on August 30, 2013 and applied to the July 2013 monthly payment."

11. Attached hereto as Exhibit J is a true and correct copy of an audio file produced in connection with this lawsuit originally bearing the file name '1007651495_2013_10_107331417_1_29' which is a conversation between Wirtz and an SLS representative identifying himself as Oscar believed to have occurred August 20, 2013.

12. Attached hereto as Exhibit K is a true and correct copy of an audio file produced in connection with this lawsuit originally bearing the file name '1007651495_2013_9_107525043_1_29' which is a conversation between Wirtz and an SLS representative identifying herself as Maria believed to have occurred late August, 2013.

13. Attached hereto as Exhibit L is a true and correct copy of document SLS000334 produced by SLS in connection with this lawsuit. This is a letter sent by the Minnesota Attorney General's office to SLS dated October 9, 2013.

14. Attached hereto as Exhibit M is a true and correct copy of document SLS000001-SLS000002 produced by SLS in connection with this lawsuit. This is a letter SLS sent to

the Attorney General dated October 18, 2013 in response to the letter from the Attorney General.

15. Attached hereto as Exhibit N is a true and correct copy of document SLS000008-SLS000010 produced by SLS in connection with this lawsuit. This is a payment history sent with SLS's October 18, 2013 letter.

16. Attached hereto as Exhibit O is a true and correct copy of document SLS000012-SLS000016 produced by SLS in connection with this lawsuit. This is a payment history sent with SLS's October 18, 2013 letter.

17. Attached hereto as Exhibit P is a true and correct copy of document SLS000212-SLS000214 produced by SLS in connection with this lawsuit. This is a letter sent by Wirtz's attorney to SLS dated November 8, 2013.

18. Attached hereto as Exhibit Q is a true and correct copy of document SLS000215-SLS000216 produced by SLS in connection with this lawsuit. This is a letter sent by Wirtz's attorney to SLS dated November 12, 2013.

19. Attached hereto as Exhibit R is a true and correct copy of document SLS000281-SLS000282 produced by SLS in connection with this lawsuit. This is a letter sent by Wirtz's attorney to SLS dated November 25, 2013.

20. Attached hereto as Exhibit S is a true and correct copy of document SLS000378-SLS000379 produced by SLS in connection with this lawsuit. This is a letter from SLS to Wirtz dated December 9, 2013 responding to Wirtz's attorney's letters dated November 8, 12, and 25.

21. Attached hereto as Exhibit T is a true and correct copy of document SLS000148-SLS000149 produced by SLS in connection with this lawsuit. This is a letter from Wirtz's attorney to SLS dated December 27, 2013.

22. Attached hereto as Exhibit U is a true and correct copy of document SLS000134-SLS000137 produced by SLS in connection with this lawsuit. This is a partial loan history from the time Chase serviced Wirtz's loan.

23. Attached hereto as Exhibit V is a true and correct copy of the portion of Steven Wirtz's Equifax credit report currently showing Wirtz's SLS loan as 30 days past due since SLS first reported the loan to Equifax in September, 2013. The months of April, August, and October, 2013 do not report as 30 days past due.

24. Attached hereto as Exhibit W is a true and correct copy of document SLS000439-SLS000440 produced by SLS in connection with this lawsuit. These are pages from SLS's servicing notes for Wirtz's account.

25. Attached hereto as Exhibit X are true and correct copies of statements from SLS to Wirtz, bates stamped WIRTZ0293-0294; 0295-0296; 0327; 0592-0637. According to these statements, SLS has charged Wirtz at least \$418.17 in late fees and other charges. The statements from SLS that were produced in this matter range from November 8, 2013 to July 4, 2015, and show various fees for late charges and other fees. *Id.* For instance, the statement dated November 8, 2013, bates stamped WIRTZ0295, shows "Outstanding Late Charges/Fees" in the amount of \$61.35. *Id.* Additionally, the statement dated January 3, 2015, bates stamped WIRTZ0592, shows a charge for \$50.00 for

"Fees/Advances." *Id.* That same \$50.00 charge shows up on several other statements sent by SLS. *Id.*

FURTHER SAYETH YOUR AFFIANT NAUGHT



Daniel M. Eaton

Subscribed and sworn to before me, this 18th day of March, 2016.



Notary Public

